

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

PERIODIC REPORTING  
(PROPOSALS SIXTEEN THROUGH TWENTY)

Docket No. RM2012-2

MOTION OF THE UNITED STATES POSTAL SERVICE  
TO EXTEND PERIOD FOR REPLY COMMENTS  
(February 14, 2012)

In Order No. 1192, the Postal Regulatory Commission extended the period for comments on Proposal Eighteen until February 3, 2012, and the period for reply comments until February 17, 2012. Order No. 1192 was issued in response to a motion filed by Time Inc., in which Time asserted that it had identified “major errors” in the Proposal Eighteen model. While the Commission granted Time’s request to extend the comment period, it rejected Time’s request to merge the comments of this docket and Docket No. ACR2011, because such a merger would be “likely to complicate, rather than simplify, handling of the range of issues that remain in Docket No. RM2012-2.”<sup>1</sup>

Time filed its comments on February 3, 2012, and notwithstanding Order No. 1192, Time chose to merge its Docket No. RM2012-2 comments with its Docket No. ACR2011 comments.<sup>2</sup> Then, on February 9, 2012, Time filed library reference TI-LR-1 in Docket No. ACR2011, stating that the library reference was an attachment to its comments in both Docket Nos. ACR2011 and RM2012-2. Time did not file a motion for late acceptance.

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<sup>1</sup> Order No. 1192, Docket No. RM2012-2 (Feb. 2, 2012).

<sup>2</sup> Time offered a terse and peculiar explanation for the merger, stating that it was “fortuitous,” apparently applying a novel meaning to the word.

The filing of Time's library reference nearly a week after the deadline for comments in Docket Nos. ACR2011 and RM2012-2 prejudices the Postal Service's ability to thoroughly respond by the February 17, 2012 deadline for reply comments in both dockets. Time's failure to justify its filing with a motion for late acceptance amplifies the inference of prejudice. Therefore, the Postal Service moves to extend the period for reply comments in Docket No. RM2012-2 until February 23, 2012, or in other words, by the number of days that the filing of Time's library reference was delayed. Given the statutory deadline for the Commission to issue its Annual Compliance Determination (ACD), the Postal Service does not seek to extend the period for reply comments in Docket No. ACR2011.

Order No. 1192 implies that part of the justification for extending the comment period in response to Time's request was that the Postal Service had filed the Docket No. RM2012-2 proposals too close to the Annual Compliance Report (ACR), thus complicating the Commission's goal of evaluating and approving any proposed changes in analytical principles before they are incorporated into the ACR. In this regard, the Postal Service notes that the Docket No. RM2012-1 proposals, which were submitted two months before the ACR, were not ruled on until almost a month after ACR was filed. As a result, the Postal Service had to file two versions of all ACR materials potentially affected by the Docket No. RM2012-1 proposals. The Postal Service also notes that a schedule in the instant docket was not issued until sixteen days after the Postal Service's petition for rulemaking was filed.

Nonetheless, while a further delay of these proceedings is not ideal, an extension of six days would ensure that the Postal Service is accorded due process, while still

giving the Commission more than a month to rule on the proposal and, as the case may be, apply it in the preparation of its ACD.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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February 14, 2012